

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Barbara Petro

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:
-

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):
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4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

New York

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New York

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New York

1 7. District Court and Division in which venue would be proper absent direct filing:

2
3 United States District Court-Southern District of New York (Manhattan)
4 division

5 8. Defendants (check Defendants against whom Complaint is made):

6 X C.R. Bard Inc.

7 X Bard Peripheral Vascular, Inc.

8 9. Basis of Jurisdiction:

9 X Diversity of Citizenship

10 □ Other: _____
11 a. Other allegations of jurisdiction and venue not expressed in Master
12 Complaint:
13 _____
14 _____
15 _____

16 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
17 claim (Check applicable Inferior Vena Cava Filter(s)):

18 □ Recovery® Vena Cava Filter
19 □ G2® Vena Cava Filter
20 □ G2® Express Vena Cava Filter
 □ G2® X Vena Cava Filter
 X Eclipse® Vena Cava Filter

- Meridian® Vena Cava Filter
 - Denali® Vena Cava Filter
 - Other:

11. Date of Implantation as to each product:

September 20, 2011

12. Counts in the Master Complaint brought by Plaintiff(s):

- X Count I: Strict Products Liability – Manufacturing Defect
 - X Count II: Strict Products Liability – Information Defect (Failure to Warn)
 - X Count III: Strict Products Liability – Design Defect
 - X Count IV: Negligence - Design
 - X Count V: Negligence - Manufacture
 - Count VI: Negligence – Failure to Recall/Retrofit
 - X Count VII: Negligence – Failure to Warn
 - X Count VIII: Negligent Misrepresentation
 - X Count IX: Negligence *Per Se*
 - X Count X: Breach of Express Warranty
 - X Count XI: Breach of Implied Warranty
 - X Count XII: Fraudulent Misrepresentation
 - X Count XIII: Fraudulent Concealment
 - X Count XIV: Violations of Applicable _____ (insert state) Law

Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

- Count XV: Loss of Consortium
 - Count XVI: Wrongful Death
 - Count XVII: Survival
 - Punitive Damages
 - Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

X Yes

No

RESPECTFULLY SUBMITTED this 8th day of February, 2017.

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2 **LAW OFFICES OF BEN C. MARTIN**
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4 By: /s/ Ben C. Martin
5 Ben C. Martin
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9 214/744-7590 (Fax)
10 *bmartin@bencmartin.com*

11 COUNSEL FOR PLAINTIFF
12

13 **CERTIFICATE OF SERVICE**
14

15 I hereby certify that on this 8th day of February, 2017, I electronically transmitted the
16 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal
17 of a Notice of Electronic Filing.
18

19 /s/ Ben C. Martin
20 Ben C. Martin
21